

Message Text

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C O N F I D E N T I A L MOSCOW 8677

EXDIS

E.O. 11652: GDS
TAGS: PINT, CASC, UR, US
SUBJECT: TOTH CASE

REF: MOSCOW 8384

SUMMARY: TOTH'S INTERROGATION WAS CLEARLY AIMED PRIMARILLY AT ANATOLIY SHCHARANSKIY AND CONNECTED WITH THE CASE AGAINST HIM THAT THE KGB IS NOW CONSTRUCTING. DURING THE INTERROGATION, THERE WAS ONLY ONE QUESTION CONCERNING THE RELATIONSHIP BETWEEN AMEMBASSY OFFICERS AND THE REFUSENIKS. TOTH EVENTUALLY AGREED TO SIGN THE PROTOCOLS OF HIS INTERROGATIONS, ALTHOUGH HE FEELS COVERED BY HIS DISCLAIMERS. WE INTEND TO PROTEST THE TOTH EPISODE TO MFA AND RECOMMEND THAT WASHINGTON TAKE PARALLEL ACTION. END SUMMARY.

1. SOVIET OBJECTIVES: IT IS NOW CLEAR FROM TOTH'S REPORTS OF HIS INTERROGATIONS THAT THEIR PRIMARY PURPOSE WAS TO BUTTRESS THE CASE WHICH THE KGB IS BUILDING AGAINST ANTOLIY SHCHARANSKIY (AND POSSIBLY OTHER DISSIDENTS, ESPECIALLY REFUSENIKS). WHILE WE DO NOT MINIMIZE THE CSCE-RELATED ASPECT OF TOTH'S DETENTION AND ALSO APPRECIATE THE FACT THAT TOTH'S CASE IS INTENDED AS A WARNING TO ALL WESTERN CORRES-
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PAGE 02 MOSCOW 08677 161702Z

PONDENTS, AND TO THEIR SOVIET CONTACTS, THE SHCHARANSKIY ASPECT OF THE CASE IS OF FIRST IMPORTANCE. THE QUESTIONING WAS FOCUSED UNIQUELY ON TOTH'S RELATIONS WITH JEWS, THOUGH THIS WAS NEVER STATED EXPLICITLY. THE INTERROGATORS DID NOT ASK HIM ABOUT CONTACTS WITH NON-JEWISH DISSIDENTS (E.G., THE ORLOV GROUP). THEY DID NOT FOLLOW UP ON TOTH'S RELATIONS WITH NON-

JEWS, EVEN WHEN TOTH ADMITTED TO HAVING HAD THEM.
THUS, WE SEE A SPECIFICALLY JEWISH ASPECT TO HIS
INTERROGATION.

2. WE INTERPRET THE QUESTIONS PUT TO TOTH
AS A KGB ATTEMPT TO ESTABLISH THAT SHCHARANSKIY
HAD BEEN ASKED BY TOTH TO COLLECT INFORMATION WHICH,
UNDER SOVIET LAW, CAN BE CONSTRUED AS SECRET. TOTH
IS, IN EFFECT, ALSO BEING ASKED TO PROVIDE THE PROOF
OF AN ALLEGATION THAT SHCHARANSKIY WILLINGLY
COOPERATED WITH HIM TO INTRODUCE HIM TO SCIENTIFIC
WORKERS ENGAGED IN SECRET ACTIVITIES. THE CLEAR INTENT
OF TOTH'S INTERROGATORS IS TO SHOW THAT SHCHARANSKIY
IS GUILTY OF PASSING INFORMATION -- WRITTEN AND ORAL --
TO TOTH IN VIOLATION OF ARTICLE 64 (AND PERHAPS 70)
OF THE RSFSR CRIMINAL CODE.

3. WE ARE STRUCK THAT, EXCEPT FOR ONE PERIPHERAL
QUESTION OF THE THE FIRST SESSION, THE INTERROGATORS DID
NOT ATTEMPT TO GET TOTH TO TESTIFY CONCERNING THE
ACTIVITIES OF DIPLOMATS (I.E., AMEMBASSY OFFICERS)
IN CONNECTION WITH SHCHARANSKIY. IT IS PERFECTLY
PLAUSIBLE THAT THE AUTHORITIES WILL EVENTUALLY DECIDE
TO LINK EMBASSY OFFICERS WITH SHCHARANSKIY; INDEED,
WE WOULD BE SURPRISED IF THEY DID NOT. HOWEVER, IT MAY
BE THAT THEY ARE HAVING SOME DIFFICULTY IN FAKING
SHCHARANSKIY'S DIRECT INVOLVEMENT WITH THE CIA AND
WE SPECULATE THAT THIS MAY BE WHY THEY ARE BEARING DOWN
ON AN ADMITTED INVOLVEMENT WITH A JOURNALIST WHOSE
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PAGE 03 MOSCOW 08677 161702Z

PUBLISHED ARTICLES REVEAL "SECRET" INFORMATION.

4. SIGNIFICANCE OF PROTOCOLS: TOTH FINALLY SIGNED
PROTOCOLS FOR ALL THREE INTERROGATIONS. HE TOLD US
THAT AFTER LONG AND ACRIMONIOUS DISCUSSIONS WITH HIS
INTERROGATORS AT BOTH SESSIONS ON JUNE 15, HE WAS
FINALLY CONVINCED THAT HE WAS OBLIGED TO SIGN UNDER
ARTICLE 160 OF THE PROCEDURAL CODE. THE VARIOUS
FORMULATIONS WHICH HE USED AS DISCLAIMERS IN SIGNING
WERE AS CLOSE AS HE FELT HE COULD COME TO STATING THAT
HE HAD SIGNED UNDER DURESS AND/OR THAT HE DID NOT
HAVE FULL KNOWLEDGE OF THE CONTENTS OF THE PROTOCOLS.
AS WE READ ARTICLE 160 IT PROVIDES NEITHER THAT A
WITNESS MUST SIGN A PROTOCOL NOR THAT HE MAY REFUSE
TO DO SO. IT MERELY STATES THAT HE SIGN IT.

5. LEGAL COUNSEL: AS TO THE PRESENCE OF LEGAL COUNSEL
OR OF A CONSULAR OFFICER, TOTH OBSERVED THAT HIS
INTERROGATORS CONSISTENTLY TOOK THE POSITION THAT SINCE

HE WAS NOT HIMSELF UNDER INTERROGATION HE DID NOT
HAVE THE RIGHT TO COUNSEL OR THE PRESENCE OF A U.S.
OFFICIAL.

6. A FINAL PROTEST: WE CONSIDER IT IMPORTANT TO PRO-
TEST BY FORMAL NOTE THE INVESTIGATION OF TOTH AND
THE ATTEMPT TO PILLORY HIM FOR THE EXERCISE OF HIS
NORMAL JOURNALISTIC DUTIES. TEXT OF NOTE TO BE
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